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9 **BEFORE THE**  
**RESPIRATORY CARE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 1H-2007-458

13 **RAMI ABED ODEH**  
18653 Slover Avenue  
14 Bloomington, CA 92316

**STATEMENT OF ISSUES**

15 Respondent.  
16

17 Complainant alleges:

18 **PARTIES**

19 1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Executive Officer of the Respiratory Care Board of California.

21 2. On or about July 23, 2007, the Respiratory Care Board of California  
22 received an application for a license as a Respiratory Care Practitioner from RAMI  
23 ABED ODEH (Respondent). On or about May 18, 2007, Respondent certified under  
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
25 application. The Board denied the application on October 26, 2007.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the Respiratory Care Board,  
28 under the authority of the following laws. All section references are to the Business and

1 Professions Code unless otherwise indicated.

2 4. Section 3710 of the Code states:

3 “The Respiratory Care Board of California, hereafter referred to as the board,  
4 shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

5 5. Section 3718 of the Code states:

6 “The board shall issue, deny, suspend, and revoke licenses to practice  
7 respiratory care as provided in this chapter.”

8 6. Section 3732, of the Code states:

9 “(a) The board shall investigate an applicant for a license, before a  
10 license is issued, in order to determine whether or not the applicant has the  
11 qualifications required by this chapter.

12 “(b) The board may deny an application, or may order the issuance of  
13 a license with terms and conditions, for any of the causes specified in this  
14 chapter for suspension or revocation of a license including, but not limited to,  
15 those causes specified in Section 3750, 3750.5, 3752.5, 3752.6, 3755, 3757,  
16 3760, and 3761.”

17 7. Section 3750 of the Code states:

18 “The board may order the denial, suspension or revocation of, or the  
19 imposition of probationary conditions upon, a license issued under this chapter,  
20 for any of the following causes:

21 “...

22 “(d) Conviction of a crime that substantially relates to the qualifications,  
23 functions, or duties of a respiratory care practitioner. The record of conviction  
24 or a certified copy thereof shall be conclusive evidence of the conviction.”

25 “...

26 “(g) Conviction of a violation of any of the provisions of this chapter  
27 or of any provision of Division 2 (commencing with Section 500), or violating,  
28 or attempting to violate, directly or indirectly, or assisting or abetting the

1 violation of, or conspiring to violate any provision or term of this chapter or any  
2 provision of division 2 (commencing with Section 500).

3 “...”

4 8. Section 3750.5 of the Code states:

5 “In addition to any other grounds specified in this chapter, the board may  
6 deny, suspend, or revoke the license of any applicant or licenseholder who has  
7 done any of the following:

8 “(a) Obtained or possessed in violation of law, or except as directed by a  
9 licensed physician and surgeon, dentist, or podiatrist administered to himself or  
10 herself, or furnished or administered to another, any controlled substances as  
11 defined in Division 10 (commencing with Section 11000) of the Health and  
12 Safety Code, or any dangerous drug as defined in Article 2 (commencing with  
13 Section 4015) of Chapter 9 of this code.”

14 9. Section 3752 of the Code states:

15 “...”

16 “(d) A plea or verdict of guilty or a conviction following a plea of nolo  
17 contendere made to a charge of any offense which substantially relates to the  
18 qualifications, functions, or duties of a respiratory care practitioner is deemed to be a  
19 conviction within the meaning of this article. The board shall order the license  
20 suspended or revoked, or may decline to issue a license, when the time for appeal has  
21 elapsed, or the judgment of conviction has been affirmed on appeal or when an order  
22 granting probation is made suspending the imposition of sentence, irrespective of a  
23 subsequent order under Section 1203.4 of the Penal Code allowing the person to  
24 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the  
25 verdict of guilty, or dismissing the accusation, information, or indictment.”

26 “...”

27 10. Section 3752.5 of the Code states:

28 “For purposes of Division 1.5 (commencing with Section 475), and this

chapter [the Respiratory Care Practice Act], a crime involving bodily injury or attempted bodily injury shall be considered a crime substantially related to the qualifications, functions, or duties of a respiratory care practitioner.”

11. Section 475, subdivision (a)(4) of the Code states:

“Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of: Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.”

12. Section 480, subdivision (a) of the Code states:

“A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“...

“(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.”

#### **COST RECOVERY**

13. Section 3753.5, subdivision (a) of the Code states:

“In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case.”

14. Section 3753.7 of the Code states:

“For purposes of the Respiratory Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney fees, expert witness

1 fees, and other administrative, filing, and service fees.”

2 15. Section 3753.1 of the Code states:

3 “(a) An administrative disciplinary decision imposing terms of  
4 probation may include, among other things, a requirement that the  
5 licensee-probationer pay the monetary costs associated with monitoring the  
6 probation.

7 “(b) The board shall not renew or reinstate the license of any licensee  
8 who has failed to pay all of the costs ordered under this section once a licensee  
9 has served his or her term of probation.”

10 **FIRST CAUSE FOR DENIAL OF APPLICATION**

11 **(Conviction of a Crime Substantially Related to the Qualifications,  
12 Functions, or Duties of a Respiratory Care Practitioner)**

13 16. Respondent's application is subject to denial under sections 3710, 3718,  
14 3732, subdivisions (a) and (b), 3750, subdivisions (d) and (g), 3752, and 3752.5 of the Code, in  
15 that, he has been convicted of a crime substantially related to the qualifications, functions, or  
16 duties of a respiratory care practitioner, as more particularly described hereinafter:

17 (a) On or about April 22, 2005, in a criminal proceeding entitled *People of*  
18 *the State of California v. Rami Odeh*, in San Bernardino Superior Court Case No.  
19 FWV032337, Respondent was convicted of violating Penal Code section 417,  
20 subdivision(a)(1) [drawing or exhibiting a deadly weapon], a misdemeanor. The  
21 circumstances are as follows: On or about August 24, 2004, Respondent was involved  
22 in a conflict with a motorist. Respondent got out of his vehicle, lunged into the other  
23 motorist’s car through an open window, and stabbed the passenger’s seat with a knife.

24 (b) On or about April 22, 2005, Respondent was sentenced as follows:  
25 thirty days local jail time, \$130 victim restitution, and three years probation.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

4 1. Denying Respondent's application for a Respiratory Care Practitioner  
5 License.

6 2. Directing Respondent to pay the Respiratory Care Board of California  
7 the costs of the investigation and enforcement of this case, and if placed on probation, the costs  
8 of probation monitoring;

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: February 11, 2008

12  
13 Original signed by: \_\_\_\_\_  
14 STEPHANIE NUNEZ  
15 Executive Officer  
16 Respiratory Care Board of California  
17 State of California  
18 Complainant

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